

ENTERED

January 07, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

OVIDIO GARCIA, *et al.*,

Plaintiffs,

VS.

NORMA LIMON, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:19-CV-120

ORDER ADOPTING REPORT AND RECOMMENDATION

On November 4, 2019, the United States Magistrate Judge issued a Report and Recommendation (Doc. 9) recommending that Defendants' Partial Motion to Dismiss and Subject Thereto Answer to Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief (Doc. 5) be granted. No party has filed objections to the Report and Recommendation.

After considering the Report and Recommendation and the applicable law, the Court **ADOPTS** the Report and Recommendation (Doc. 9). Accordingly, it is:

ORDERED that Defendants' Partial Motion to Dismiss and Subject Thereto Answer to Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief (Doc. 5) is **GRANTED**;

ORDERED that Ovidio Garcia's claim under 8 U.S.C. § 1503(a), based on the denial of his Form I-130 petition, is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies;

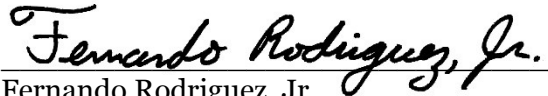
ORDERED that Ovidio Garcia's claim under the Administrative Procedures Act is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction;

ORDERED that Ovidio Garcia's claims for declaratory and injunctive relief—other than his claim under 8 U.S.C. § 1503(a) for a declaratory judgment that he is a citizen of the United States—is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction;

ORDERED that all claims against Defendants Norma Limon, William Barr, and the United States of America are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction; and

ORDERED that all claims by Perla J. Olivares de Garcia are **DISMISSED WIHTOUT PREJUDICE** for lack of jurisdiction.

SIGNED this 7th day of January, 2020.



Fernando Rodriguez, Jr.
United States District Judge